

#### REMARKS/ARGUMENTS

In the specification, the paragraphs beginning at page 6, line 5; page 8, line 4; and page 9, line 7 have been amended to add reference numerals illustrated in new drawing, Fig. 4. New Fig. 4 has been added to comply with 37 CFR 1.83.

Claims 1 - 13 remain in this application.

In response to the Office Action of July 6, 2004, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

#### **Additional Drawing Figure**

Figure 4 has been added for illustration of an integrated chip with a sensor, as described in the specification, and familiar to one having ordinary skill in the art. No new matter has been introduced by the Figure. The reference numerals added merely designate elements already present in the specification, as clearly shown by the insertion of numbers, only, in the specification. Upon Examiner's approval, formal drawings can be submitted.

#### **Rejection under 35 USC 103(a)**

Claims 1 and 3 - 13 stand rejected as obvious in view of Hsu et al, Johnson, and Knapp. Hsu et al uses an optical scanner to create and compare fingerprints to operate systems in a vehicle. Johnson uses an optical system with a video camera to digitize and record a finger print or other body part then encode the numbers

on a card for verification of the card user's identity. Both of these devices use multiple physical components in the verification and authorization modes.

There is no motivation in either of the references to use the technology of the other and therefore, no reason to combine these references. Further, neither of these references teach or suggest the use of a chip with embedded antennae, as presently claimed, to receive a pattern formed by the subdermal tissue of a user. In fact each reference teaches away from the use of a chip in favor of optical devices.

To these disparate references, the patent of Knapp is added to teach the use of a sensor containing multiple capacitors to map the ridges and troughs of a fingerprint for making access control devices, as well as locks and keys. As stated above, there is no motivation to substitute a capacitor chip for the optical devices taught by Hsu and Johnson. Further, the instant application does not teach or claim such a combination.

The multiple capacitors disclosed by Knapp depend on the relative distance between the sensor surface and each of the ridges and troughs of a fingerprint to create a particular wave form to be analysed by a computer for verification. Needless to say, capacitors are not antennae but act to store charges in a system.

In the claimed invention, the user's finger is placed on a sensor and a small field charge flows through the subdermal layer

which is not the epidermis layer including the fingerprint used by Knapp. The signal received by the antennae is altered by the intervening tissue. The enrollment mode and the verification mode are accomplished internally by the FEVM, alone. This ensures that once the flash memory has the templates archived, there is no other software or electronic portal through which the authorization can be manipulated. There is no reference teaching or suggesting such a device.

Claim 2 stands rejected as obvious in view of Hsu et al, Johnson and Knapp, as applied in the rejection of claim 1 further in view of Gallagher. The above remarks are repeated here because the combination of Hsu, Johnson and Knapp do not teach or suggest the claimed invention for the reasons given above. Merely adding another reference to show a particular component does not cure the fatal flaw in the basic rejection.

#### SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of

the application is courteously requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "C. Fred Rosenbaum", with a horizontal line underneath.

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